



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CERE-M

16 DEC 1997

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Regulation (AR) 405-80, Management of Title and Granting Use of Real Property

1. Reference: Army Regulation (AR) 405-80, Management of Title and Granting Use of Real Property, dated 10 October 97, effective 11 November 1997 (Encl 1).
2. In accordance with revised AR 405-80, all previous general delegations of authority are superseded, replaced, and revoked. Installation or project specific delegations remain in effect. In order to provide implementation as quickly as possible, several interim measures are being provided for in this Memorandum and in a Memorandum to the MACOMs.
3. As authorized by Chapter 3, AR 405-80, I hereby redelegate the authority to issue, execute, manage, renew, supplement or revoke outgrants authorizing the use of Army real property to all USACE Division Commanders, and the division Chiefs of Real Estate, with the authority to redelegate to their division Chiefs, Management and Disposal, who meet the attached qualifying standards (Encl 2).
4. In addition, I also authorize the Division Commanders and the division Chiefs of Real Estate to redelegate the authority to issue, execute, manage, renew, supplement or revoke outgrants to their subordinate District Commanders or district Chiefs of Real Estate, with the authority to redelegate that authority to their district Chiefs, Management and Disposal, who meet the attached qualifying standards (Encl 2) and to redelegate the authority to execute, manage, renew, supplement, or revoke licenses or permits, which do not require an appraisal or formal estimate of value and which are for a term of 5 years or less, to certain individuals who meet the attached qualifying standards (Encl 3). These individuals are either under their supervision, at civil works projects, or recommended by the appropriate MACOM, NGB, or USARC.
5. Any redelegations will include appropriate oversight and control procedures to ensure that documents are signed only by competent persons in compliance with Army policy and applicable laws. For redelegations of authority to individuals at civil works projects or to individuals recommended by the appropriate MACOM, NGB, or USARC, the redelegation, at a minimum, will:

SUBJECT: Army Regulation (AR) 405-80, Management of Title and Granting Use of Real Property

(a) be for a term of 5 years and will require review and revalidation of the qualifying criteria and of the redelegation at the end of the term;

(b) terminate, automatically, upon the resignation, retirement, or transfer of the individual to another office that has no organizational responsibilities for real estate;

(c) require that all documents be issued and executed using project- or installation-specific formats provided by the district, prepared in accordance with the formats in ER 405-1-12, Chapter 8; and

(d) require copies of all documents signed under the redelegation to either be furnished to the USACE district, or filed in an appropriate MARKS filing system available for periodic review by the district.

6. The formats, guidance and procedures set out in Engineer Regulation (ER) 405-1-12, Chapter 8, will continue in force, except with regard to increased redelegation of authority set out above, and except where superseded or revised by AR 405-80. Required revisions will be published as soon as possible. The implementing Technical Manual for military actions will be published in the near future.

7. The Chiefs of Real Estate are encouraged to submit proposed modifications or additions to the qualifying standards.

FOR THE COMMANDER:

Encls


B. J. FRANKEL
Director of Real Estate

DISTRIBUTION:

GREAT LAKES & OHIO RIVER DIVISION, ATTN: CELRD-GL-ET-RD
MISSISSIPPI VALLEY DIVISION, ATTN: CEMVD-ET-RM
NORTH ATLANTIC DIVISION, ATTN: CENAD-ET-R
NORTHWESTERN DIVISION, ATTN: CENWD-ET-RM
PACIFIC OCEAN DIVISION, ATTN: CEPD-RE-M
SOUTH ATLANTIC DIVISION, ATTN: CESAD-ET-RM
SOUTH PACIFIC DIVISION, ATTN: CESP-ET-RM
SOUTHWESTERN DIVISION, ATTN: CESWD-ETR-M

QUALIFYING STANDARDS FOR DIVISION OR DISTRICT CHIEF, MANAGEMENT AND DISPOSAL

- Knowledge and mastery of complex principles involving real estate management transactions for major projects, or complex situations, and the ability to apply a variety of standard and nonstandard techniques, theories, and concepts.
- Ability to develop new real estate management approaches or apply new standards to solve the most complex real estate management problems or transactions.
- Ability to analyze and review complex, controversial or problematic reports.
- In-depth knowledge of Army and COE policies, regulations and outgrant formats and applicable Federal and state statutes in the functional area of real estate management, and the ability to apply these, including AR 405-80 and ER 405-1-12.
- Knowledge of real estate markets, multi-purpose land use classifications, acquisition principles, types of real property interest acquired and title held by the Federal government.
- Knowledge of the legal complexities involved in a variety of real estate situations, including encroachment/trespass, probate, trusts, landlord/tenant, subdivision, local zoning ordinances, environmental, taking claims, claims arising under real estate documents, public domain lands and withdrawals, financing, etc.
- Has served as Chief, Management and Disposal for no less than 2 years, and in Management and Disposal for no less than 5 years.

QUALIFYING STANDARDS FOR REAL ESTATE INDIVIDUALS UNDER SUPERVISION OF THE CHIEF OF REAL ESTATE

- Knowledge and mastery of principles involving real estate licenses or permits transactions not requiring an appraisal or formal estimate of value and for a term of less than five years, and the ability to apply a variety of standard and nonstandard techniques, theories, and concepts.
- Ability to develop and apply applicable Army and Engineer regulations, within precedent or established guidelines, to solve real estate management problems or transactions related to licenses or permits.
- Ability to analyze and review complex reports, having precedent or established guidelines.
- In-depth knowledge of Army and COE policies, regulations and outgrant formats and applicable Federal and state statutes in the functional area of real estate management, and the ability to apply these, including AR 405-80 and ER 405-1-12.
- Knowledge of real estate markets, multi-purpose land use classifications, acquisition principles, types of real property interest acquired and title held by the Federal government.
- Knowledge of the legal complexities involved in permits and licenses, including the Interdepartmental Waiver Doctrine, Anti-Deficiency Act, probate, trusts, landlord/tenant, subdivision, local zoning ordinances, environmental, etc.
- Has worked in Real Estate, Management and Disposal for no less than 3 years, and has attended the PROSPECT Course in Outgrants. One year experience, with appropriate on-the-job training, in licenses or permits, can be substituted for the PROSPECT Course.

QUALIFYING STANDARDS FOR INDIVIDUALS AT CIVIL WORKS PROJECTS

- Knowledge and mastery of principles involving Shoreline Management uses and related real estate licenses not requiring an appraisal or formal estimate of value and for a term of less than five years.

- Ability to develop and apply applicable Army and Engineer regulations, within precedent or established guidelines.

- In-depth knowledge of Army and COE policies, regulations and license formats and applicable Federal and state statutes in the functional area of real estate licenses, and the ability to apply these, including AR 405-80 and ER 405-1-12.

- Knowledge of types of real property interest acquired and title held by the Federal government.

- Has worked in Shoreline Management issues with supporting licenses for no less than 3 years, and has attended the PROSPECT Course in Outgrants. One year experience, with appropriate on-the-job training in licenses, can be substituted for the PROSPECT Course.

QUALIFYING STANDARDS FOR INDIVIDUALS RECOMMENDED BY THE APPROPRIATE MACOM, NGB, OR USARC

- Knowledge and mastery of principles involving real estate licenses or permits transactions not requiring an appraisal or formal estimate of value and for a term of less than five years, and the ability to apply a variety of standard and nonstandard techniques, theories, and concepts.
- Ability to develop and apply applicable Army and Engineer regulations, within precedent or established guidelines, to solve real estate management problems or transactions related to licenses or permits.
- Ability to analyze and review complex reports, having precedent or established guidelines.
- In-depth knowledge of Army and COE policies, regulations and outgrant formats and applicable Federal and state statutes in the functional area of real estate licenses or permits and Interservice Support Agreements (ISA) as it relates to permits, and the ability to apply these, including AR 405-80, implementing Technical Manuals, and ER 405-1-12.
- Knowledge of multi-purpose land use classifications, types of real property interest acquired and title held by the Federal government.
- Knowledge of the legal complexities involved in permits and licenses, including the Interdepartmental Waiver Doctrine, Anti-Deficiency Act, probate, trusts, landlord/tenant, subdivision, local zoning ordinances, environmental, etc.
- Has worked for the Director of Public Works, in real estate functions related to outgrants, for no less than 3 years, and has attended the PROSPECT Course in Outgrants. One year experience in licenses or permits, either or both at the installation with appropriate on-the-job training or in a developmental assignment in the district, can be substituted for the PROSPECT Course. This redelegation is not restricted to individuals in the realty series (GS-1100), however, redelegation to individuals in the realty series is preferred.